

**MINUTES**  
**ZONING BOARD OF APPEALS**  
**May 27, 2021 at 6:00 PM**  
at t 15 Summer St- City Hall

**Members Present roll call:** Dennis Ackerman, Wayne Berube, Craig Faria, George Moniz, Scott Rodrigues and Bill Egan.

Meeting opens at 6:10 PM

Steve made motion to accept minutes of April 22, 2021, seconded by George. All in favor.

Chairman Ackerman explains the ZBA process. They hear presentation from petitioner, hear opposition and in favor and then go back to petitioner to answer any questions. They do not go back and forth.

Case # 3600                      Citizen's Bank                      65 Taunton Depot Dr.  
For A Variance from Section 440-701 of the Zoning Ordinance to allow signage on 3 sides of the existing ATM Kiosk resulting in an additional 51.5 square feet of signage on premises at **65 Taunton Depot Drive, Taunton, Ma owned by Taunton Depot Lot 5 LLC**

For the Petitioner: Heather Hopkins Dudko, 27 old Meetinghouse Rd., Auburn, Ma.

In favor: None

Opposed: None

Heather represents the bank and they want to put signage on 3 sides of the kiosk. The ordinance only allows for one signage on one side. There are several trees that obstruct the view. They need visibility all around. It will be internally lit. George has no issues with it. Steve asked if it will be internally lit and Heather answers yes. Bill asked if the previous kiosk may have had signage all around.

Chairman Ackerman read letters from the City Planner, Conservation Commission, Fire, Eng. B.O.H., into the record. Public Input: No one in favor or opposed.

Motion made and seconded to grant as presented:

Vote; Berube, Faria, Moniz, Vieira, Ackerman....Yes

Petition granted

Case # 3610

Valli

4 Butler St.

For: A Variance from Section 440 Attachment #3 of the Zoning Ordinance for the 13.3 foot side setback (instead of 15 feet) for an 18 ft. x 23 ft addition to an existing garage.

For the Petitioner : Roy Delano, Lighthouse Land Surveying, 27 Jefferson St., Taunton, M.a

In favor: Julie Pelletier, 27 Garfield St., Taunton, Ma.  
John Wagner, 10 Pearl St., Taunton, Ma.  
David & Stacey Giebel, 14 Pearl St., Taunton, Ma.

Opposed: None

Roy explains how the petitioner wishes to add an addition to the existing garage. The property is long and narrow and impossible to meet the setbacks. The addition will provide another bay for the garage having a setback of 13.2 feet instead of 15 feet. Chairman Ackerman read letters from the City Planner,, Conservation Commission, Fire, Eng. B.O.H., into the record. Public Input: Letters of support from Julie Pelletier, 27 Garfield St., John Wagner, 10 Pearl St., and David & Stacey Giebel, 14 Pearl St., No on opposed.

Motion made and seconded to grant as Presented:

Vote; Berube, Faria, Moniz, Vieira, Ackerman....Yes  
Petition granted

Case # 3612

Hamie

146 Tremont St.

For: A Variances from Section 440-att 3 of the Zoning Ordinance for a 24ft by 32 ft canopy with a 2.3 ft front setback instead of 25 feet and a 5.7 ft front setback instead of 25 feet .

For the Petition: Atty. Brianna Correia, 123 Broadway, Taunton, Ma.  
Josh Borden, Arthur Borden & Associates, 302 Broadway, Unit 4,  
Raynham, Ma.

Mohamed Hamie, 239 Alfred Lord Blvd., Taunton, Ma.

In favor: None

Opposed: James Rose, 3 Anawan St., Taunton, Ma. had questions.

Atty. Correia stated they are here to request relief for a canopy to be erected over the gasoline pumps. The business has been there for several years and petitioner wishes to provide protections to customers getting gas from the inclement weather. Chairman Ackerman read letters from the City Planner, Conservation Commission, Fire, Eng. B.O.H., into the record. Public Input: James Rose, 3 Anawan St., stated he's not against but wanted to know if the canopy would be hooked to the building. It was answered no, the canopy would be over the pumps. He asked about the light and when it will turn off? Lighting will be dusk to 9 PM

Mohammed Hamie: 239 Alfred Lord Blvd., stated the canopy of only going over the pumps. The existing sign on the right side is staying. Lighting to be under the canopy illuminating down.

Motion made and seconded to grant with the following condition:

1. That all lighting be under the canopy.

Vote: Berube, Faria, Moniz, Vieira, Ackerman....Yes  
Petition granted

Case # 3616                                      Barbour                                      396 Winthrop St.  
For: A Variance from Section 440-702 of the Zoning Ordinance for the reduction of the front landscaped buffer width from 15 feet to 5 feet .

For the Petitioner: Jeff Tallman, Sitec Eng. 449 Faunce Corner Rd., Dartmouth, Ma.

In favor: None  
Opposed: None

Jeff states they are here to request a waiver of the landscaping buffer width from 15 feet to 5 feet. The business is shipping cars, no selling from this location just need a place to store vehicles. They will need to get to Class II license form Municipal Council. They will lose one parking space because it's tight lot. Chairman Ackerman stated if approved he would suggest complying with the City Engineer's comment about handicapped parking before they go to the Planning Board for Site Plan Review. Chairman Ackerman read letters from the City Planner, Conservation Commission, Fire, Eng. B.O.H., into the record. Public Input: None , No on opposed.

Motion made and seconded to grant as Presented:

Vote; Berube, Faria, Moniz, Vieira, Ackerman....Yes  
Petition granted

Case # 3619                                      Moniz                                      Cherry St., 47-406  
For: A Variance from Section 440-att3 of the Zoning Ordinance for min lot area, said lot having 14,146 sq. ft. instead of the required 15,000 sf on premises on **Cherry Street and known as Assessors parcel 47-406.**

For the Petitioner: Atty. Brianna Correira, 123 Broadway, Taunton, Ma.  
Jeff Tallman, Sitec, 449 Faunce Corner Rd., Dartmouth, Ma.

In favor: None  
Opposed; None

Atty. Correira stated this property was previously before the Board and after finalizing the plans they realized the bend in the lot line affected the lot area. The City's encroachment and unrecorded plan presented significant hardship and now they need get variance for lot area. They are just under the 15,000 sq. ft. minimum. Wayne asked if

the City conveyed the triangular piece and recorded a deed and it was answered yes. Jeff said initially they did a perimeter survey and the deed was good. It appeared to be a straight line but they discovered an issues with the corner. Bill said they will need to file a new deed to clarify the issue. Public Input: No one in favor or opposed. Chairman Ackerman read letters from the City Planner, Conservation Commission, Fire, Eng. B.O.H., into the record.

Motion made and seconded to grant as Presented:

Vote: Berube, Faria, Moniz, Vieira, Ackerman....Yes  
Petition granted

Case # 3618                                      Bernardino                                      3 Bartlett St.  
For: A Variances from Section 440-602 of the Zoning Ordinance for a two dwelling structures on one lot resulting in a two family use on premises at **3 Bartlett Street and known as Assessor's parcel 92-113, Taunton, Ma.**

For the Petition: John DeSousa, North County Group, 4 Court St., Taunton, Ma.  
Amaral Bernardino, 3 Bartlett St., Taunton, Ma.

In favor: None  
Opposed: Ernest Pearson, 5 Bartlett St., Taunton, Ma.

John stated they constructed a house at 3 Bartlett Street with the condition that the 93 Bartlett St would be converted to a garage. They did remove a portion of the rear wall and filled in basement. Now they are looking to convert 93 Bartlett St. into a house for the petitioner granddaugher to reside which results in 2 houses on one lot. Wayne asked if they intend on having a house and garage and then another house and garage? George says there is a house at 93 Pratt Street and 3 Bartlett St. Wayne asked if the driveway would be from Bartlett Street and it was answered yes. Chairman Ackerman read letters from the City Planner, Conservation Commission, Fire, Eng. B.O.H., into the record. Public Input: Opposed: Ernest Pearson, 5 Bartlett Street. He had issues with the petitioner not putting hay bales and when he asked politely to clean it up and he didn't. He asked if there would be any fencing proposed? Wayne state the property is 18,000 sq. ft. in an Urban Residential District and legally you can have a duplex (2 family) . They are proposing this instead of 2 non-conforming lots. Wayne asked if petitioner's granddaughter is expected to live there and Mr. Bernardnino answers he hopes so. George asked if Pratt Street building will be combined to one unit and it was answered yes. Wayne suggested be a good neighbor. No one in favor.

Motion made and seconded to grant with the following condition:

- 1. That both houses shall be tied into water and sewer**
- 2. That soil erosion measures shall be in place during construction**

Vote: Berube, Faria, Moniz, Vieira, Ackerman....Yes  
Petition granted



James Sullivan, 137 Willis Pond Rd., Taunton, Ma.  
Steve Walker, 135 Malibu Dr. Taunton, Ma.  
Michael Foley, 75 Willis Pond Rd., Taunton, Ma.  
Joe Brown, 115 Willis Pond Rd., Taunton, Ma.  
Diane Sullivan, 137 Willis Pond Rd., Taunton, Ma.

Chairman Ackerman read dept letters from City Planner, Engineer, Fire Dept., and Conservation Commission. Atty. Shaughnessy stated they are here for several variances. The site has 32 acres and western and north west portions has wetlands on them. They have an approved Form A approved for 4 lots and they wish to further develop the site and re-divide into 6 lots. They could do a conventional subdivision but they don't want to do that. Atty. Shaughnessy states in other towns there are estate lots but Taunton doesn't have estate lots. Lots 1,2,3 need 3 variances for shape factor, lot width and frontage. Lot 4 need shape factor. Lots 1,2,3 are the nicest part of the land. Right now dirt bikes and partying goes on. Atty. O'Shaughnessy stated the hardship is the cost to install a roadway. Their proposal keeps it rural and the houses will be set off roadway. They can use either the 4 lot subdivision or 6 lots. In reviewing the Fire Dept's comments relative to driveway they will need to file a Form J and Special Permit for common driveway. Bob stated the access will be from the common driveway and will have turnaround. They are aware of the Conservation Commission issues. There is existing sewer in the roadway and they will connect to city water. The 3 lots in back will have septic system and other lot may tie into sewer. They are trying to avoid building a roadway. Atty. O'Shaughnessy says the ZBA has the most discretionary powers of the City to grant variances. Chairman Ackerman initial reaction was to build a road. Steve asked where would road go? George said he would prefer a road vs. a 20 foot wide driveway. Chairman Ackerman's choice would be for road which eliminate fight with neighbor's and shared driveways.. Steve asked what is the estimated width of driveway and it was answered 25 feet wide per the Fire dept. Wayne asked what is the hardship? He doesn't think a road surrounded by wetlands is a good idea. Chairman Ackerman stated the hardship is the shape and topography of the property with the wetlands. Public Input: Charles Fitzsimmons, 59 Powderhorn Drive, had concerns with the legal frontage and taking a legal lot and now carving it up to get more lots in. They will be demolishing the existing house on lot 1 which was built in 1900. Is there any sewage and what about the 40 foot easement? He stated Malibu Drive is a gorgeous development and this section of Willis Pond Road cannot take that much traffic. Opposed: James Sullivan, 137 Willis Pond Road not in favor. They have 4 legal lots. Do they have any plans to upgrade the road? Opposed: Steve Walker, 135 Malibu Drive abuts lot 6 and he's opposed to the whole project. Chairman Ackerman stated they can put no further subdivision of the property and only one house per lot. Michael Foley, 75 Willis Pond Rd., asked what the definition of road is because Willis Pond Rd. is only 19 feet wide and you can't fit 2 vehicles down there at once. Joe Brown, 115 Willis Pond Rd. stated the pipe under the road is very low and it floods, there are huge pot holes and trash gets picked up but they have to call to remind to remind DPW to plow. Dianne Sullivan, 137 Willis Pond Rd. stated they don't plow at the very end of Willis Pond Rd. She stated she would be most affected. People come into her property to look at the site. Atty. O'Shaughnessy after hearing all abutters concerns wishes to withdraw the petition.

Wayne made motion to allow petition to be withdrawn without prejudice seconded by George.

**Vote: Berube, Rodrigues, Moniz, Vieira, Ackerman... Yes**  
**Petition withdrawn without prejudice.**

Case # 3613                      Big Red Properties LLC                      Williams St. 68-102  
For: A Variance from Section 440-att 3 and 440-602 of the Zoning Ordinance to make a lot with 49.66 feet of frontage instead of the required 100 feet and 38 feet lot width instead of the required 100 feet buildable on premises on Williams Street **and known as Assessors parcels 68-102.**

For the Petitioner: Atty. John Zajac, 490 Winthrop St., Taunton, Ma.  
Tracey Duarte, P.E. MBL Land Dev. & Perm., Corp., 777  
Broadway, Ste., 6, Raynham,  
Ma.  
Brian Dunn, MBL Land Dev. & Perm., Corp., 777 Broadway, Ste. 6,  
Raynham, Ma.  
In favor: None  
Opposed: Stephen DeCosta, 30 Homestead Crossing, Taunton, Ma.  
Kelly Anne Christie, 120 Williams St., Taunton, Ma.  
Natalie Cabral, 5 Steve Dr., Taunton, Ma.  
Ashley Blais, 5 Steve Dr., Taunton, Ma.

Atty. Zajac stated they are here for frontage & lot width variance. The lot has 5.53 acres with 49 feet of frontage and 38 feet of lot width. There are some wetlands on the site along with electrical wires with easement. They are seeking to put one duplex on the lot. They will not be building within the electrical easement. They have located the house off the roadway with sufficient parking. They think one duplex lot will have the least impact on the neighborhood. Their lot will be serviced by water and sewer. There will not be more than one duplex building on this lot and all other setbacks will be met. They could put a subdivision in but they don't want to do that. Chairman Ackerman read letters from the City Planner, Conservation Commission, Fire, Eng. B.O.H., into the record. The lot has trees on it but most are low line trees. Public Input: Steven DeCosta, 30 Homestead Crossing, has some questions about the drainage and if it will affect his driveway? They would have to meet the satisfaction of the City Engineer when construction begins showing no more water will be on his property than what's there now. Opposed: Kelly Anne Christie, 120 Williams St. states she lives directly next door. She was concerned with them cutting all the fully grown trees down. The existing trees is privacy buffer. A fence may help? She wants to ensure there will be no further building back there. She wishes they can leave some trees and she doesn't want noise in her backyard. She stated there are 50 foot trees there now. Opposed: Collin Ricketts lives in the area and asked how can they build on lot having only 50 feet of frontage when the ordinance requires 100 feet. Chairman Ackerman explains what power the Board has in granting variance if they see it's warranted. Chairman Ackerman states they can see if

they will make every effort to preserve the buffer. He also informed they can restrict the number of units. Opposed: Natalie Cabral, 5 Steve Drive, lives across the street. She says there is speeding, and another driveway will make it safety hazard now. She reminded the Board there is a bus stop at this location. Scott said he's aware of speeding and even someone died at this section of street. Opposed: Ashley Blais, 5 Steve Drive stated there is speeding on this street and she was concerned with taxed going up. She is concerned with all trees coming down. George asked Atty. Zajac if the driveway is sufficient for a fire truck. The proposed driveway is 22 feet wide and they will have more than the required parking. Atty. Zajac stated they will satisfy the fire dept. Chairman Ackerman stated if they put sidewalks in it will mean cutting more trees. Chairman Ackerman stated he's ok with the proposed 22 feet wide driveway but if fire says 20 feet minimum he's ok with that. Steve acknowledges the neighbor's concerns with the buffers. Chairman Ackerman read letters from City Planner, Engineer, Conservation Commission, Water Dept., Fire Dept. and B.O.H. The Board was suggested adding plantings and Brian Dunn reminded the Board there is an electric company easement and they have a right to cut trees. So they could cut what we plant. The trees cannot be that tall either due to the electrical easement. Everyone has be aware they need access. Bill's concerns was the children and adding a new driveway. He suggesting putting a sign "go slow – children"

He suggesting the lady who has autistic child contact the ADA and maybe they can put signage. Discussion was about either putting fencing and or plantings. Some neighbor's would prefer plantings as opposed to fence.

Motion made and seconded to grant with the following conditions:

1. There shall be no more than one two family dwelling on the lot with no further development of the lot and serviced by municipal water & sewer.
2. Driveway shall be at least 20 feet wide per the approval of the fire dept.
3. 6 foot fencing shall be erected along the property line bearing 136.27' continuing along the property line of 120 Williams Street and ending at where it meets 150 Duffy Drive.
4. Arborvitaes plantings shall be planted a minimum 10 foot setback from Williams Street along the property line bearing N54°47'00"E .
5. A "Go Slow Children Sign" to be posted at the end of driveway.

**Vote: Berube, Faria, Moniz, Vieira, Ackerman....Yes**

**Petition granted**

Case # 3614

Lopes

980 Rocky Woods St.

For: A Variance from Section 440-502 of the Zoning Ordinance for a use variance for 86,730 sf of the property to be utilized for the storage of vehicles and equipment on premises at **980 Rocky Woods Street and known as Assessors parcels 87-85.**



For the Petitioner: Atty. John Zajac, 490 Winthrop St., Taunton, Ma.  
Tracey Duarte, P.E. MBL Land Dev. & Perm., Corp., 777  
Broadway, Ste., 6, Raynham,  
Ma.  
Brian Dunn, MBL Land Dev. & Perm., Corp., 777 Broadway, Ste. 6,  
Raynham, Ma.  
Joe Teusche, The Lopes Companies, 490 Winthrop St., Taunton, Ma.

In favor: None

Opposed: Aaron Gilbody, 916 Rocky Woods St., Taunton, Ma.  
Joe Wakefield, 941 Rocky Woods St., Taunton, Ma.  
Paul & Deana Andrade, 1002 Rocky Woods St., Taunton, Ma.  
John Rathke, 33 Craven Ct., Taunton, Ma.  
Edward Thurston, 939 Rocky Woods St., Taunton, Ma.  
Diane Gallego, 834 Rocky Woods St., Taunton, Ma.  
Marco Fernandes, 106 Alanita Dr., Taunton, Ma.  
Lucy Bubier, 1045 Rocky Woods St., Taunton, Ma.  
Ann Silvia, 21 Craven Ct., Taunton, Ma.

Atty. Zajac stated they are here for a use variance to be able to use the dry area of 980 Rocky Woods Street for storage of vehicle/ equipment for Lopes companies. They will be storing buckets for loaders, plows, dumpster and no trailers. Chairman Ackerman asked if they would be storing the equipment during off season once put away. They will be only taking out once, they will not be going back and forth to the site. George asked about the dumpsters? Bill had concerns with trash and rodents. He asked the number of vehicles and he doesn't want any garage trucks store here. Joe stated they have to comply with DEP and they have no evidence of rodents. Joe stated the containers, not dumpsters that will be stored here are slated for repair. They don't take any residential waste. Atty. Zajac stated they will be accessing from Winthrop Street not Rocky Woods Street. They will be using about 2 acres of 48 acres using the existing carpath. They are here because some of the property is in the Rural Residential District. Steve asked who is the percentage in the Highway Business District and Rural Residential District. It was answered about 5-10 % is in the highway business district and the rest is in the rural residential district. Scott asked how far back is the closest house on Rocky Woods Street? It was answered about 400 feet to the nearest property line, 1000 feet to nearest house. George stated you will be entering from Winthrop Street and regular hours would be 8 – 4? Atty. Zajac said it might be 7-4? There will be no building just a gravel lot. Steve read the definition of Rural Residential District out of the zoning ordinance and he knows this developer is invested in the area but so are the neighbors. Atty. Zajac state they are not doing anything than what people are doing now. Chairman Ackerman read dept. letters from City Planner, Conservation Commission, Fire Dept., B.O.H. and Water Dept. and letter from abutter Ann Silvia. Public Input: Opposed: Aaron Gilbody, 916 Rocky Woods Street, had concerns with them coming here again for the same approval. She stated they are already there and she hears them all day because she works from home. He said it perked right next to his property and he doesn't want this in their

neighborhood. Opposed: Joe Wakefield, 941 Rocky Woods St. had concerns with grease, oil and how are they going to get over the wetlands? The noise starts at 4 AM tailgates slamming and horns blowing. He selected his house for the nice area. Opposed: Deana Andrade, 1002 Rocky Woods Street. Stated she's the closest to the project. They had zoom meeting and she is about 300 feet away and can hear noise, smell fumes, and is worried about the wildlife. She stated they came here in 2003 and she looked at plans there are a lot of wetlands. She asked if anything can be built and she was told no. He stated it's their home and they plan to retire here. Why did they buy property knowing it was wetlands and unbuildable. Opposed: John Rathke, 33 Craven Ct., stated this is in his backyard. A few years ago he has concerns. He stated the homeowner's in Winthrop heights pay high taxes and it should be kept residential. He stated he can hear banging and it disrupts his sons sleep. Ed Thurston, 939 Rocky Woods St, Paul Andrade, 1002 Rocky Woods St., and Dianne Gallego, 834 Rocky Woods St., and Marco Fernandes, 106 Alanita Dr. all opposed. Mr. Fernandes stated he has small children and asks the Board to keep it residential. Lucy Bubier, 1045 Rocky Woods St., also opposed. Steve asked about the existing carpath? It was stated it's about 22 feet wide. Atty. Zajac stated hours are 7-4 but 8-4 would be acceptable. These neighbor are closer to their other property. They are confined to the middle of the property due to the buffer and there is 300 -400 feet to the very closest property line. George asked about perhaps putting a 20 – 25 feet high berm to cut noise down? He stated there are a lot of angry people and this is the 2<sup>nd</sup> time they are here. Joe T. stated he has been there for 11 years as president and he deals with complaints about noise and dust control if the gets them. They plow for the City and anyone who has any issues should call his office.

Motion made and seconded to grant with the following conditions

1. No oils allowed.
2. Show gravel area on plan around entire driveway area.
3. Hours of operation: 8 AM – 4 PM – Monday – Friday
4. Not open on any holiday
5. No vehicle storage
6. No fuel barrels.
7. No waste materials, no recycling, no trash.
8. Provide a 20 -25 foot buffer berm.

**Vote: Berube, Faria, Moniz, Vieira, Ackerman....No  
Petition Denied**

Case # 3615

Figueiredo

130 Tremont St.

For: A Variance from Section 440-att 3, 440-702, and 440-602 of the Zoning Ordinance for a lot to be utilized for a multi-family use with 64 ft of frontage instead of 100 feet, 64 feet of lot width instead of the required 100 feet and a 9 ft side landscaped buffer on one side and a 3.5 ft side landscaped buffer on the other side instead of the required 15 feet on premises at **130 Tremont Street and known as Assessors parcel 53-108**

For the Petitioner: Atty. John Coutinho, 511 West Grove St, Middleboro, Ma.  
Steve Figueiredo, 33 Ridgewood Dr., Taunton, Ma.  
Brian Dunn, MBL Land Dev. & Permitting – 770 Broadway, Ste 6,  
Raynham, Ma.  
Tracey Duarte, P.E., MBL Land Dev. & Permitting, 770 Broadway,  
Ste 6, Raynham, Ma.

In favor: None

Opposed: Edward Boiros, 40 Anawan St., Taunton, Ma.  
Ed Silvia, 132 Tremont St., Taunton, Ma.  
Deb Morrison, 28 Anawan St., Taunton, Ma.  
Robert Thompson, 43 Clifford St., Taunton, Ma.  
Angela Hull, 8 Anawan St., Taunton, Ma.  
Wilma Pirozzi, 41 Clifford St., Taunton, Ma.  
Jacqueline Solana, 54 Anawan St., Taunton, Ma.  
Eric Rasmussen, 14 Anawan St., Taunton, Ma.  
James Rose, 2 Anawan St., Taunton, Ma.  
Petition signed by over 100 residents of Taunton

Atty. Coutinho stated they are here for frontage & lot width variances for a future multi-family building consisting of 22 units. The property has been in the family for sometime and every deed it says it has 64 feet of frontage and in 1967 the zoning ordinance was enacted. So the enactment of the zoning ordinances created a hardship now making this lot unbuildable. The multi-family building will be set back off Tremont Street and they will be some landscaping and privacy buffers. Wayne asked why does the zoning ordinance create the hardship? Atty. Coutinho explains that the lot was a conforming lot prior to zoning and the enactment of the zoning ordinance now requires 100 feet of frontage which is requiring a variance to make lot buildable. Chairman Ackerman read letters from the City Planer, Water, Engineer, Conservation Commission which were placed on file. George stated he saw an on-line petitioner signed by many neighbors. Atty. Coutinho stated out of 210 signatures 66 are in close proximity to this property. Public Input: No one in favor. Opposed: Ed Boiros, 40 Anawan Street read petition from a combination of residents opposed. His petitioner indicated a decision has already been made. Chairman Ackerman stated no decision has been made on this proposal and this is the first step to a long process. If approved, they would need to go to the council and conservation commission for a final decision. He stated this is a minor variance and if approved it gives them a chance to go to Council. Chairman Ackerman stated he has concerns with the number of units and they could put restrictions. He stated some of the Board's decisions makes people happy and some no happy. Steve asked Mr. Boiros how long has been living there and he said since he was one years old. Mr. Boiros said they have a tight neighborhood. Opposed: Ed Silvia, 132 Tremont St., stated he lives next door and the neighborhood consists of 2 and 3 family dwellings. This many units just doesn't fit into the neighborhood. The traffic is bad and his wife was it twice. He was concerned for the wild turnkey and deer, and wetlands. He stated the history has not been told. This type of housing development just doesn't belong here. Opposed: Deb Morrison, 28 Anawan St., stated the 24 foot wide entrance isn't wide enough. What

George made and seconded by Steve to allow petition to be withdrawn without prejudice.

Case # 3617                      Berube                      Short St. 28-62  
For: A Variance from Section 440-att 3 and 440-602 of the Zoning Ordinance for a lot with no frontage instead of the required 150ft and no lot width instead of the required 100 feet to be buildable for a single family home on premises on **Short Street and known as Assessor's parcel 28-62, Taunton, Ma,**

In favor: None  
Opposed; Virginia Hyland Young, 1092 Norton Ave., Taunton , Ma.

Atty. Rounds stated they are here tonight for the rear lot of Short Street which will be access via a 50 foot access easement. This is the 3<sup>rd</sup> lot that will be using the driveway which will need a Special Permit from the Planing Board. The easement doesn't qualify as frontage. There are wetlands and vernal pools on the property. There is 1 1/3 acres of upland and they will need to cross the wetlands to get to the upland. These are unique circumstances to those parcel. They need variances for frontage and lot width and they will keep adequate aces and they have enough room for house. There won' be any other houses after this one and this will not be a detriment to the public. Chairman Ackerman read letters from the City Planner, Conservation Commission, Fire, Eng. B.O.H., into the record. Public Input: letter from Virginia Hyland Young, 1092 Norton Ave., Chairman Ackerman stated Ms. Young is not aware that Chapter 40A allows for variances to be approved by the Board that is their role. George asked how wide is the driveway and it was answered 50 feet wide. It will be a minimum of 20 feet wide with a turnaround and it was answered yes. Petitioners have spoken with Natural heritage and there is decent soil.

Motion made and seconded to grant as Presented:

Vote: Rodrigues, Faria, Moniz, Egan, Ackerman....Yes  
Petition granted

Meeting adjourned at 10:54 PM